IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2532 OF 2007

Mr.Sopan Janardhan Pawar & Anr. ..Petitioners.
Vs.
Shri Babruwan Bhanudas Awatade & Ors. ..Respondents.

Mr.Nitin Jamdar, adv. for the Petitioners.
Mr.Shrishail Sakhare, adv. for the Respondent No.1.
Mr.Sachin Gite with M.S.Karnik, advs. for the Respondent No.2.
Mr.Suresh S. Shah, adv. for the Respondent No.4.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 10, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. On application filed by the respondent nos.1 and 2, the Joint Charity Commissioner by an order dated 18-7-2003 restrained the present petitioner and 2 others, who claim to be in the management of the trust from taking any policy decision including appointment of teachers and other staff members till final disposal of the change reports pending before the Assistant Charity Commissioner, Solapur. The appeal was preferred by the appellants before the District Court and that appeal came to be dismissed by order dated 3-2-2007. Against that order, the petitioners have filed the present writ petition. The learned counsel for the petitioner mainly contends that the learned

Joint Charity Commissioner did not have any power to pass such order under Section 41E of the Bombay Public Trust Act. The respondents on the other hand also pointed out that a specific application was made by the petitioners before the Assistant Charity Commissioner seeking permission to make appointment of teachers and other staff and that application was rejected on 9-12-2003 and against that order, no appeal or revision was filed. After going through the provisions of Section 41E of the Bombay Public Trust Act, I find no substance in the contention of the petitioners. It appears that change report was filed in the year 1997. The present appellants were elected and according to the respondents, the appellants had resigned. It appears that after that some elections have taken place and change reports were submitted and they are not yet decided. As there is serious dispute as to who is in the management, I think it will not be desirable to make any order or grant any relief in the present petition. It will be only in the interest of justice and the management itself that the Assistant Charity Commissioner should be directed to dispose the change reports within the stipulated period.

3. For the aforesaid reasons, petition stands dismissed summarily. The Assistant Charity Commissioner, Solapur is hereby directed to dispose off

Change Report No. 512 of 1997 as well as other Change Reports, which might have been filed thereafter as expeditiously as possible and in any case within six months. In case, the matters are not disposed off within six months, he shall submit report to this Court with the reasons.

[J.H.BHATIA, J.]